

June 9, 1955

Utah Water & Power Board
B u i l d i n g

Gentlemen:

RE: RESTORATION PROCLAMATION
BEAR RIVER

We are preparing, and desire to recommend to the Governor, a proclamation for restoration to the public of the right of appropriation from the Bear River. The original withdrawal order was made on November 9, 1938, almost seventeen years ago, and would be difficult to now sustain as the statute would appear to contemplate only a temporary suspension and the original withdrawal used the language "temporarily suspend."

Also, it would appear that one of the reasons for this suspension was the commencement of negotiations for the Bear River Compact; but, the fact that neither Idaho nor Wyoming imposed any similar restrictions on their users, appears to us to be a powerful argument in favor of the lifting of this suspension.

The action we desire to take has been discussed informally with members of your Board and with your staff and this advance notice is also given you in order that you may be properly prepared to file any applications during the period of the publication of the proclamation that you believe should be considered by this office in the determination of priority.

We are enclosing a copy of the proposed proclamation and invite your comments with respect thereto or with respect to any other matter contained herein.

Yours very truly,

JMT/eca
Enc: (1)

Joseph M. Tracy
STATE ENGINEER

CC: Bureau of Reclamation
32 Exchange Place, SLC

Governor J. Bracken Lee
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